

## Message Text

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22

ACTION EA-09

INFO OCT-01 ISO-00 PM-04 L-03 INR-07 DODE-00 OMB-01 /025 W

----- 121582

R 040905Z MAR 76

FM AMEMBASSY MANILA

TO SECSTATE WASHDC 2713

INFO AMEMBASSY TAIPEI

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TAIPEI PLEASE PASS NAMRU-2

E. O. 11652: N/A

TAGS: MARR, RP

SUBJECT: PROPOSED AGREEMENT FOR NAMRU-2 PHILIPPINE ACTIVITIES

REF: (A) STATE 75-064798

(B) MANILA 75-2861

(C) STATE 75-A-1178

(D) STATE 75-107959

1. EMBASSY PURSUANT TO REFTEL (D) PROVIDED DFA WITH PROPOSED TEXT OF NAMRU AGREEMENT CONTAINED IN REFTEL (C) AS MODIFIED BY REFTELS (A) AND (B).

2. DFA EVENTUALLY REPLIED STATING THEY WERE IN GENERAL AGREEMENT WITH TERMS OF PROPOSED AGREEMENT BUT REQUESTED SOME MODIFICATIONS IN THE TAX EXEMPTION AREAS. SUBSEQUENTLY IN DISCUSSION WITH BUREAU OF FINANCE OFFICIALS THE FOLLOWING CHANGES WERE AGREED AD REFERENDUM:

3. IN 7TH PARA, THE WORDS "TAX AND DUTY EXEMPTIONS AND OTHER" BE DELETED AND THE FOLLOWING CLAUSE ADDED TO END OF FIRST SENTENCE.

QUOTE: "WITH THE EXCEPTION THAT TAX AND DUTY EXEMPTIONS WILL BE LIMITED TO THEIR PROFESSIONAL INSTRUMENTS AND IMPLEMENTS, TOOLS OF EMPLOYMENT,  
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WEARING APPAREL AND PERSONAL AND HOUSEHOLD

EFFECTS ACCOMPANYING THEM OR ARRIVING WITHIN A REASONABLE PERIOD OF TIME AFTER THEIR ENTRY INTO THE PHILIPPINES." UNQUOTE.

ALSO IN SAME PARA THE WORD "OBSERVING" BE DELETED AND THE WORDS "RENDERING CONSULTIVE SERVICES IN" BE INSERTED, IN LIEU THEREOF. THE SUBJECT PARAGRAPH WOULD THEN READ:

QUOTE: "ALL UNITED STATES CIVILIAN AND MILITARY PERSONNEL, ENTERING THE REPUBLIC OF THE PHILIPPINES FOR PURPOSES OF MEDICAL OR SCIENTIFIC RESEARCH PROJECTS CONDUCTED PURSUANT TO THIS AGREEMENT, AND THEIR DEPENDENTS, SHALL BE ACCORDED BY THE GOVERNMENT OF THE PHILIPPINES PRIVILEGES AND IMMUNITIES ON THE SAME BASIS AS THE ADMINISTRATIVE AND TECHNICAL STAFF OF THE UNITED STATES EMBASSY AND THEIR DEPENDENTS IN THE REPUBLIC OF THE PHILIPPINES WITH THE EXCEPTION THAT TAX AND DUTY EXEMPTIONS WILL BE LIMITED TO THEIR PROFESSIONAL INSTRUMENTS AND IMPLEMENTS, TOOLS OF EMPLOYMENT, WEARING APPAREL AND PERSONAL AND HOUSEHOLD EFFECTS ACCOMPANYING THEM OR ARRIVING WITHIN A REASONABLE PERIOD OF TIME AFTER THEIR ENTRY INTO THE PHILIPPINES. IN ORDER TO IDENTIFY THE ABOVE INDIVIDUALS TEMPORARILY IN THE REPUBLIC OF THE PHILIPPINES AND PARTICIPATING IN OR RENDERING CONSULTIVE SERVICES IN THE RESEARCH ACTIVITIES, AND THEIR DEPENDENTS, THE UNITED STATES EMBASSY WILL PROPERLY NOTIFY THE DEPARTMENT OF FOREIGN AFFAIRS PRIOR TO THEIR ARRIVAL, SPECIFYING THEIR NAMES, POSITIONS, INTENDED LENGTH OF STAY IN THE REPUBLIC OF THE PHILIPPINES AND PURPOSES OF THE RESEARCH PROJECT." UNQUOTE.

COMMENT: THE BUREAU OF FINANCE DID NOT WANT AN OPEN ENDED IMPORT PROVISION FOR PERSONAL PROPERTY AND DID NOT SEE THE NEED, BECAUSE OF THE TEMPORARY NATURE OF STAY IN THE PHILIPPINES OF NAMRU PERSONNEL, TO ALLOW IMPORT OF PRIVATE AUTOMOBILES. THEY ALSO QUESTIONED THE NEED FOR "OBSERVERS" TO IMPORT ANYTHING EXCEPT PERSONAL CLOTHING. HOWEVER, IT WAS EXPLAINED THAT SCIENTIFIC OBSERVERS SOMETIMES DID MORE THAN JUST STAND AROUND SO BUREAU OF FINANCE SUGGESTED THE ABOVE WORDS BE USED IN LIEU OF "OBSERVERS" TO RESOLVE ISSUE. UNLESS IMPORTATION OF PRIVATE VEHICLES IS DEEMED LIMITED OFFICIAL USE

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NECESSARY, EMBASSY BELIEVES ABOVE WORDING PROVIDES ADEQUATE IMPORTATION EXEMPTION.

4. THE ONLY MODIFICATION REQUESTED WAS TO ADD THE FOLLOWING CLAUSE AT THE END OF PARAGRAPH 8:

QUOTE: "A LIST OF SUCH EQUIPMENT AND SUPPLIES WILL BE PROVIDED THE DEPARTMENT OF HEALTH UPON THEIR IMPORTA-

TION AND ALL EQUIPMENT AND SUPPLIES, EXCEPT EXPENDABLE ITEMS, WILL BE ACCOUNTED FOR UPON THEIR EXPORTATION. THE DEPARTMENT OF HEALTH SHALL IN TURN CERTIFY AS TO THE EQUIPMENT AND SUPPLIES NEEDED IN THE RESEARCH PROGRAM BROUGHT IN UNDER THIS AGREEMENT." UNQUOTE.

THIS PARAGRAPH WOULD THEN READ:

QUOTE: "THE GOVERNMENT OF THE PHILIPPINES SHALL PERMIT THE IMPORT OR EXPORT, WITHOUT TAX, DUTY OR OTHER CHARGE, OF BIOLOGICAL AND OTHER TYPES OF SPECIMENS AS AGREED TO BY THE DEPARTMENT OF HEALTH. IN ADDITION, LABORATORY EQUIPMENT AND OTHER SUPPLIES BROUGHT INTO THE REPUBLIC OF THE PHILIPPINES FOR THE PURPOSE OF AGREED MEDICAL OR SCIENTIFIC RESEARCH PROJECTS WILL BE EXEMPT FROM DUTY, TAXES AND OTHER CHARGES IN RELATION TO THEIR IMPORT, PRESENCE AND USE IN THE PHILIPPINES, AND EXPORT. A LIST OF SUCH EQUIPMENT AND SUPPLIES WILL BE PROVIDED THE DEPARTMENT OF HEALTH UPON THEIR IMPORTATION AND ALL EQUIPMENT AND SUPPLIES, EXCEPT EXPENDABLE ITEMS, WILL BE ACCOUNTED FOR UPON THEIR EXPORTATION. THE DEPARTMENT OF HEALTH SHALL IN TURN CERTIFY AS TO THE EQUIPMENT AND SUPPLIES NEEDED IN THE RESEARCH PROGRAM BROUGHT IN UNDER THIS AGREEMENT." UNQUOTE.

COMMENT: BUREAU OF FINANCE WAS CONCERNED THAT ALL EQUIPMENT IMPORTED WAS PROPERLY ACCOUNTED FOR OR APPROPRIATELY DISPOSED OF. THEY SUGGESTED THE SIMPLEST PROCEDURE WAS TO ALLOT THE DEPARTMENT OF HEALTH TO HANDLE THE MATTER.

5. ACTION REQUESTED: COMMENTS OR CONCURRENCE BY DEPARTMENT ON ABOVE CHANGES. ALSO IF NAMRU-2 SEES LIMITED OFFICIAL USE

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ANY PROBLEM IN ABOVE WORDING, PLEASE ADVISE.  
SULLIVAN

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NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
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**Current Classification:** UNCLASSIFIED  
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**To:** STATE  
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